

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jackson Mahaffy; Flora Mahaffy; Daniel Nelson; and Paul Von Arx,

Case File No. 08-CV-4992 JMR/SRN

Plaintiffs,

VS.

**Robert Kroll; Wallace Krueger;
Christopher Bennett; Aaron
Hanson; Christopher Bishop; David
Campbell; Toddrick Kurth; Brandon
Kitzerow and City of Minneapolis,**

**AFFIDAVIT OF C. LYNNE
FUNDINGSLAND IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT BY DEFENDANTS
BENNETT, HANSON, BISHOP,
CAMPBELL, KURTH, KITZEROW
AND THE CITY OF MINNEAPOLIS**

Defendants.

STATE OF MINNESOTA)
)SS
COUNTY OF HENNEPIN)

Your Affiant, being first duly sworn on oath, deposes and states as follows:

1. She is an Assistant City Attorney for the City of Minneapolis.
2. In that capacity, she represents Defendants City of Minneapolis and Officers Hanson, Bennett, Bishop, Campbell, Kurth and Kitzerow in the above-entitled action.

3. Filed herewith as Exhibit A is a true and correct copy of the Office of Administrative Hearings Order and Memorandum Granting Summary Disposition in *City of Minneapolis v. Robert Kroll and Wallace Krueger*, OAH Docket No. 16-6010-20126-3, dated March 30, 2009.

4. Filed herewith as Exhibit B is a true and correct copy of the Amended Complaint in the instant matter.

5. Filed herewith as Exhibit C is a true and correct copy of the transcript of Plaintiff Flora Mahaffy's deposition in the instant matter.

6. Filed herewith as Exhibit D is a true and correct copy of the transcript of Plaintiff Paul Von Arx's deposition in the instant matter.

7. Filed herewith as Exhibit E is a true and correct copy of the transcript of Plaintiff Jackson Mahaffy's deposition in the instant matter.

8. Filed herewith as Exhibit F is a true and correct copy of the transcript of Plaintiff Daniel Nelson's deposition in the instant matter.

9. Filed herewith as Exhibit G is a true and correct copy of the transcript of Eeris Fritz's deposition in the instant matter.

10. Filed herewith as Exhibit H is a true and correct copy of the transcript of Matthew Rolfe's first deposition in the instant matter, dated September 15, 2009.

11. Filed herewith as Exhibit I is a true and correct copy of the transcript of Matthew Lennon's deposition in the instant matter.

12. Filed herewith as Exhibit J is a true and correct copy of the transcript of Doreen Johnson's deposition in the instant matter.

13. Filed herewith as Exhibit K is a true and correct copy of the transcript of Luke Holden's deposition in the instant matter.

14. Filed herewith as Exhibit L is a true and correct copy of the transcript of Defendant Robert Kroll's Civilian Police Review Authority statement.

15. Filed herewith as Exhibit M is a true and correct copy of the transcript of Defendant Officer Aaron Hanson's deposition in the instant matter.

16. Filed herewith as Exhibit N is a true and correct copy of the transcript of Defendant Officer Christopher Bennett's Civilian Police Review Authority statement.

17. Filed herewith as Exhibit O is a true and correct copy of the transcript of 911 calls on May 14, 2004, regarding a fight at 1319 Marshall Street Northeast.

18. Filed herewith as Exhibit P is a true and correct copy of the transcript of the Internal Affairs statement of Dylan Ryan.

19. Filed herewith as Exhibit Q is a true and correct copy of the transcript of the Internal Affairs statement of Peter Thomas.

20. Filed herewith as Exhibit R is a true and correct copy of the transcript of Plaintiff Jackson Mahaffy's Civilian Police Review Authority statement.

21. Filed herewith as Exhibit S is a true and correct copy of an Affidavit of Zoe LeStout.

22. Filed herewith as Exhibit T is a true and correct copy of the Ambulance Record of Wallace Krueger from May 14, 2004.

23. Filed herewith as Exhibit U is a true and correct copy of the transcript of Flora Mahaffy's Civilian Police Review Authority statement.

24. Filed herewith as Exhibit V is a true and correct copy of the transcript of Matthew Rolfe's second deposition in the instant matter, dated September 17, 2009.

25. Filed herewith as Exhibit W is a true and correct copy of the transcript of Defendant Officer Christopher Bishop's deposition in the instant matter.

26. Filed herewith as Exhibit X is a true and correct copy of the transcript of Defendant Officer David Campbell's Civilian Police Review Authority statement.

27. Filed herewith as Exhibit Y is a true and correct copy of the transcript of Defendant Wallace Krueger's Civilian Police Review Authority statement.

28. Filed herewith as Exhibit Z is a true and correct copy of the transcript of Lieutenant James Rugel's Civilian Police Review Authority statement.

29. Filed herewith as Exhibit AA is a true and correct copy of the transcript of Defendant Officer Brandon Kitzerow's deposition in the instant matter.

30. Filed herewith as Exhibit BB is a true and correct copy of the Hennepin County Adult Detention Center booking photographs of Plaintiff Jackson Mahaffy taken on May 14, 2004.

31. Filed herewith as Exhibit CC is a true and correct copy of the Hennepin County Adult Detention Center Tracking System Record for Plaintiff Jackson Mahaffy created on May 15, 2004.

32. Filed herewith as Exhibit DD is a true and correct copy of the Hennepin County Adult Detention Center Medical Screening Form for Plaintiff Jackson Mahaffy created on May 15, 2004.

33. Filed herewith as Exhibit EE is a true and correct copy of the Civilian Police Review Authority Complaint filed by Plaintiff Daniel Nelson.

34. Filed herewith as Exhibit FF is a true and correct copy of Plaintiffs' Answers to Defendant City of Minneapolis, Bennett, Hanson, Bishop, Campbell, Kurth and Kitzerow's Interrogatories to Plaintiffs.

35. Filed herewith as Exhibit GG is a true and correct copy of Plaintiffs' Expert Report.

36. The Minneapolis City Council created the CRA to investigate allegations of misconduct against Minneapolis police officers. (Minneapolis Code of Ordinances §172.10). According to the Minneapolis Police Department Policy Manual, the CRA is "an independent function established by the City of Minneapolis to receive, review and inquire into external complaints concerning the conduct of Minneapolis Police Officers." (Manual 1-501).

Further Affiant sayeth naught.

Subscribed and sworn to
before me this 15th day
of January, 2010.

s/C. Lynne Fundingsand

Helen H. Peters
Notary Public
My Commission expires: 1-31-2010